

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

|  |   |                                    |
|--|---|------------------------------------|
| <b>JANE ROE,</b>                         | ) |                                    |
|  | ) |                                    |
| <i>Plaintiff,</i>                        | ) |                                    |
|  | ) |                                    |
| v.                                       | ) | <b>Civil No. 1:20-cv-00066-WGY</b> |
|  | ) |                                    |
| <b>UNITED STATES OF AMERICA, et al.,</b> | ) |                                    |
|  | ) |                                    |
| <i>Defendants.</i>                       | ) |                                    |
|  | ) |                                    |
|  | ) |                                    |
|  | ) |                                    |

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**PLAINTIFF’S MOTION TO RECONSIDER**

Plaintiff Jane Roe (“Roe”), by and through her attorney, respectfully requests that this Court reconsider its decision of December 30, 2020, dismissing her claims.

As explained in the accompanying memorandum, the Court’s ruling is based on clear legal and factual errors, which support a different outcome when corrected. *See* Fed. R. Civ. P. 59(e). First, the Court did not consider Roe’s claims for equitable relief, which are not barred by sovereign immunity. Second, the Court did not consider the fact that the EDR process is the *exclusive* remedy for discrimination, which requires due process protections. Finally, the Court construed Roe’s equal protection claims as “pure” retaliation, but it did not consider her allegations of gender discrimination.

Roe also respectfully submits that in footnote 8 of its opinion, the Court misapprehended her counsel’s argument regarding apparent conflicts of interest. Federal law regarding conflicts of interest does not require speculation as to anyone’s motives, and Roe’s counsel did not engage in any such speculation. Rather, in raising objectively apparent conflicts of interest, Roe’s counsel made a legitimate and good faith effort to advocate on behalf of his client and preserve a

material issue based on the undisputed record facts, the disqualification statute's plain text, and Supreme Court precedent.

For these reasons, Roe respectfully respects that this Motion be granted and that the Court (1) vacate its order and judgment of December 30, 2020, and (2) enter an order denying defendants' motions to dismiss.

Prior to filing this Motion, Roe's counsel conferred with Defendants' counsel. Defendants' counsel stated that Defendants oppose the Motion for Reconsideration.

This the 26th day of January, 2021.

Respectfully Submitted,

/s/ Cooper Strickland  
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Counsel for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of January, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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